

### SECTION III—REMARKS

This election and amendment is in response to the Office Action dated May 26, 2006. In the Office Action, the claims were classified into three groups that the Examiner asserts define patentably distinct inventions: Group I, comprising claims 1-41, 45-56, 102-114, and 124-136; Group II, comprising claims 42-44; and Group III, comprising claims 57-65, 66-101, 115-123, and 137-145.

Applicants have elected to prosecute the invention of Group I, comprising claims 1-41, 45-56, 102-114, and 124-136. Applicants' election is made with traverse for the reasons explained below.

#### Traverse of Restriction

Applicants respectfully traverse the Examiner's restriction. According to the Examiner:

Inventions Groups I, II and III are unrelated. Inventions are unrelated *if it can be shown that they are not disclosed as capable of use together* and they have different designs, modes of operation, and effects. In the instant case, the different inventions can be used in separate systems since each invention has separate utilities.

(emphasis added; internal citations omitted). Applicants respectfully disagree with the Examiner's conclusion. Applicants respectfully direct the Examiner's attention to Figs. 3 and 7 and associated text, which clearly illustrate and describe an embodiment in which the alleged method and apparatus for gain control in group I, the alleged bar code reading system and associated signal processing circuits in group II, and the alleged method for noise control in group III are used together. Under the definition set forth by the Examiner, the inventions in groups I, II and III are therefore related because they not only are capable of use together, but in fact *are* used together in one embodiment. Applicants submit that groups I, II and III should therefore be examined together and kept together in the application and respectfully request withdrawal of the restriction.


Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

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